

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JASON EVERETT PHILLIPS KAY  
ANN PHILLIPS  
Debtor(s) CHAPTER 13  
CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant CASE NO: 5-19-01995-RNO  
vs.  
JASON EVERETT PHILLIPS KAY  
ANN PHILLIPS  
Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on December 12, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on July 3, 2019.
2. A hearing was held and an Order was entered on October 8, 2019 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.  
Id: 47613  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
Ste. A, 8125 Adams Drive  
Hummelstown, PA 17036  
Ph. 717-566-6097  
Fax. 717-566-8313  
eMail: amchale@pAMD13trustee.com

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IN RE: JASON EVERETT PHILLIPS  
KAY ANN PHILLIPS

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-19-01995-RNO

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court	Date: January 8, 2020
Max Rosenn U.S. Courthouse	
Courtroom #2	
197 S. Main Street	Time: 09:30 AM
Wilkes Barre, PA	

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: dehartstaff@pamd13trustee.com

Dated: December 12, 2019

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KAY ANN PHILLIPS

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CHAPTER 13

JASON EVERETT PHILLIPS  
KAY ANN PHILLIPS

CASE NO: 5-19-01995-RNO

Respondent(s)

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on December 12, 2019, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

JASON M. RAPA, ESQUIRE  
141 S. 1ST STREET  
LEHIGHTON, PA 18235-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

JASON EVERETT PHILLIPS  
1645 LITTLE GAP RD.  
PALMERTON, PA 18071

Served by 1<sup>st</sup> Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 12, 2019

Respectfully,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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IN RE: JASON EVERETT PHILLIPS  
KAY ANN PHILLIPS

Debtor(s)  CHARLES J. DEHART, III CHAPTER 13 TRUSTEE Movant  JASON EVERETT PHILLIPS KAY ANN PHILLIPS	<b>CHAPTER 13</b>  <b>CASE NO: 5-19-01995-RNO</b>
Respondent(s)	

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.